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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

13 DANIEL KAUFFMAN, individually, and
14 on behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 AMERICAN CASINO
18 ENTERTAINMENT & PROPERTIES,
LLC, a Delaware Limited Liability
Company d/b/a STRATOSPHERE HOTEL
19 & TOWER, a Nevada business; ARIZONA
CHARLIE'S DECATUR, a Nevada
20 business; ARIZONA CHARLIE'S
BOULDER, a Nevada Business;
21 AMERICAN ENTERTAINMENT
PROPERTIES CORP., a Delaware
22 Corporation; DOES and ROES 1-100;
inclusive,

23 Defendants.
24

Case No. 2:06-CV-00187-RCJ-LRL

**STIPULATION AND ORDER TO
CIRCULATE NOTICE OF COLLECTIVE
ACTION CLAIM AND SETTLEMENT
AND STIPULATION AND ORDER AS TO
FORM OF THE NOTICE**

25
26 The above-named parties, by and through their respective counsel of record, hereby
27 stipulate and agree, upon approval from this Court, to circulate a notice of the pendency of this
28 collective action to all putative class members defined as security officer employees for either the


1 Stratosphere Hotel & Tower or Arizona Charlie's Boulder at any time between June 15, 2004 to
2 January 5, 2006.

3 The parties stipulate and agree that this Notice shall be circulated, only after receiving
4 Court approval, and shall take the form of the Notice of Certified Collective Action Claim And
5 Settlement attached as Exhibit "A" hereto. Putative class members shall have 30 days from the
6 date of service of the Notice to return and file a Consent to Join this action. The terms and
7 remedies of settlement set forth in the Notice shall be binding on each putative class member that
8 elects to execute and file a Consent to Join this action.
9

10 Dated: June 12, 2006

Dated: June 1³, 2006

11 
12
13 SHARON L. NELSON, ESQ.
14 401 N. Buffalo, Suite 210
15 Las Vegas, Nevada 89145


16 RICK D. ROSKELLEY, ESQ.
17 S. LIBBY HENNINGER, ESQ.
18 3960 Howard Hughes Parkway, Suite 300
19 Las Vegas, NV 89109

20 Attorneys for Plaintiff

Attorneys for Defendants

21 IT IS SO ORDERED.

22 Dated this ____ day of June, 2006.

23
24
25
26
27
28

U.S. DISTRICT COURT JUDGE

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6/12/06 12:42 PM

EXHIBIT A

EXHIBIT A

EXHIBIT A

UNITED STATE DISTRICT COURT

DISTRICT OF NEVADA

DANIEL KAUFFMAN, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

STRATOSPHERE GAMING CORP.d/b/a
STRATOSPHERE HOTEL & TOWER, a
Nevada business; FRESCA, LLC d/b/a
ARIZONA CHARLIE'S BOULDER, a
Nevada Business; inclusive,

Defendants.

CASE NO.: CV-S-06-00187-RCJ(LRL)

**NOTICE OF CERTIFIED COLLECTIVE
ACTION CLAIM AND SETTLEMENT**

A Court Authorized Notice

**THIS IS NOT A LAWSUIT AGAINST YOU.
PLEASE READ THIS NOTICE CAREFULLY
YOUR LEGAL RIGHTS MAY BE AFFECTED.**

YOU MUST RESPOND TO GET ANY BENEFIT IN THIS SUIT.

**IF YOU ARE OR WERE A SECURITY OFFICER FOR STRATOSPHERE
HOTEL & TOWER and/or ARIZONA CHARLIE'S BOULDER (the
"COMPANIES") AT ANY TIME FROM June 15, 2004 to January 5, 2006.**

- Stratosphere Hotel & Tower and Arizona Charlie's Boulder have been sued by a security employee who alleges that he was required to present for preshift security briefings and was not paid for that time.
- The Court has allowed this lawsuit to go forward on behalf of all individuals who were employed by the Companies as security personnel who attended preshift security briefings.
- The parties have decided to settle this matter. Your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

Ask to be included in the Federal Claim.

If you decide to fully participate in this lawsuit, you give up any rights to sue the Companies separately about the same legal claims in this lawsuit.

Stay out of this lawsuit. Get no benefits from it. Keep rights.

If you do nothing, you will automatically be excluded from the lawsuit and if money or benefits are later awarded, you won't share in those. But, you keep any rights to sue the Companies separately about the same legal claims in this lawsuit, or pursue relief through state administrative agencies which accept, investigate, and resolve wage and hour disputes.

- Your options are explained in this notice. To ask to be included, you must act before **JULY 31, 2006.**
- When money or benefits are obtained from the Companies either at trial or before trial, you will be notified about how to ask for a share.

WHAT THIS NOTICE CONTAINS

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BASIC INFORMATION

1. Why did I get this notice?

The Companies' records show that you currently work or previously worked in the security department for one or more of the Companies. This notice explains that the Court has allowed this case to proceed as a certified collective action lawsuit that may affect you. You have legal rights and options that you may exercise. The Honorable Robert C. Jones of the United States District Court for the District of Nevada is overseeing this case. The lawsuit is known as: *DANIEL KAUFFMAN, individually, and on behalf of all others similarly situated vs. STRATOSPHERE GAMING CORP. d/b/a STRATOSPHERE HOTEL & TOWER, a Nevada business; FRESCA, LLC d/b/a ARIZONA CHARLIE'S BOULDER, a Nevada Business; inclusive, CASE NO.: CV-S-06-00187-RCJ(LRL).*

2. What is this lawsuit about?

Plaintiff, a former security officer, filed this lawsuit against the Companies in the District Court, Clark County, Nevada on January 23, 2006, and it was removed to United States District Court for the District of Nevada on February 16, 2006. Plaintiff alleges among other things, that Defendants required him to participate in security briefings for which he was not paid. Plaintiff seeks to recover unpaid compensation for overtime hours worked (*i.e.*, hours worked in excess of forty hours in a work week) under the Fair Labor Standards Act ("FLSA").

Defendants have denied Plaintiff's allegations that they required Plaintiff to work without payment or that they are liable to Plaintiff for violations of the FLSA. However, Defendants have decided to resolve this matter as detailed below.

3. What is a collective action and who is involved?

In a collective action, one or more people (in this case Daniel Kauffman) sued on behalf of other people who may have similar claims. The individuals who sued, and those who elect to join the lawsuit, are called Plaintiffs. The Companies sued are called Defendants. Those who elect not to join will not be Plaintiffs and will reserve the right to sue on their individual behalf within the statute of limitations period.

4. Why is this lawsuit a collective action?

This lawsuit has been initiated and certified by the Court as a collective action for back wages. A collective action is an efficient means of resolving a large number of claims.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiff says that he had to attend preshift security briefings and wasn't paid for his time attending those briefings.

6. How do the Companies answer?

The Companies say that they have fully compensated security personnel for all compensable time worked and deny all wrongdoing. However, the Companies have agreed to settle this case as detailed below.

7. Has the Court decided who is right?

The Court has not decided who is right. The parties have agreed to resolve this matter to avoid further expense and litigation.

8. What is the Plaintiff asking for?

The Plaintiff is asking for all unpaid wages and overtime due him under federal law for attending the preshift briefings. The Plaintiff has made this request on behalf of himself and any other co-workers who were affected by the issues in this suit.

9. Settlement -Is there any money available now?

There will be. The parties have agreed that any person who opts into this suit who is otherwise eligible, will be credited with an additional 15 minutes a day for each day he or she worked during which pre-shift briefings were conducted and for which he or she was not compensated for the two (2) year period from the day his or her Consent to Join is filed. The additional time will be paid at the straight time rate in effect for this person at the time of employment. No other damages will be sought or paid.

WHO IS IN THE COLLECTIVE ACTION

You need to decide whether you are affected and if you want to be part of this lawsuit.

10. Am I part of this lawsuit?

All former and present security personnel employed at one or more of the Companies' properties anytime between June 15, 2004 and January 5, 2006, who were required to attend pre-shift briefings without remuneration. If you worked in security but did not have to attend preshift briefings, you are not eligible to participate.

11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case at the phone number or address listed in question Number 19 below.

YOUR RIGHTS AND OPTIONS

You have to decide whether you want to participate in this lawsuit or be excluded from settlement and you have to decide this now.

12. What if I decide not to join this suit?

If you choose not to join this claim, you will not be affected by the settlement. If you choose not to participate in this suit, you are free to pursue your own claim for back wages or overtime. Keep in mind that if you fill out the green form you are participating in this lawsuit. By filling out the green form you are part of the collective action and that means you will be legally bound by the settlement.

13. What if I'm still working for one of the Companies? Will I be hurt by participating in this suit?

Federal law prohibits the Companies from taking any action against you because you elect to join this action by filling out and returning the consent to join form, or otherwise exercising your rights under the laws implicated in this suit.

14. Why should I ask to be excluded?

If you start your own lawsuit against any of the Companies, you will have to hire and pay your own lawyer for that lawsuit and you will have to prove your claims.

15. How can I be excluded from this lawsuit?

To ask to be excluded, you need do nothing. You do not fill out or return the green form. If you do not return the green form you will be automatically excluded.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Nelson Law represents the Plaintiff and those who elect to join this collective action unless those individuals choose other counsel.

17. Should I get my own lawyer?

If you consent to join this lawsuit, you do not need to hire your own lawyer because Nelson Law is working on your behalf. But, if you want your own lawyer, you may have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Nelson Law to speak for you.

18. How will Nelson Law be paid?

The Companies have agreed to pay Nelson Law's fees and expenses. You will not have to pay these fees and expenses. Those fees and costs are to be paid separately by the Companies and you will not be required to pay any money to Nelson Law.

GETTING MORE INFORMATION

19. Are more details available?

You may speak to one of the lawyers by calling Nelson Law at (702) 247-4LAW(4529) or by writing to Nelson Law, 401 N. Buffalo Drive, Suite 210, Las Vegas, Nevada 89145, Attn: Kauffman Collective Action.

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE FOR INFORMATION.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF MR. KAUFFMAN'S CLAIMS OR THE COMPANIES' DEFENSES.